Judge:	Marc L. Barreca
Chapter:	Chapter 7
Hearing Date:	October 19, 2012
Hearing Time:	9:30 a.m.
Hearing Site:	700 Stewart Street, #7106 Seattle, WA 98101
Response Date:	October 12, 2012

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ADAM GROSSMAN, Debtor.	Case No. 10-19817 NOTICE OF HEARING ON AND MOTION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT 773 METRO WAY, REDDING, CALIFORNIA FREE AND CLEAR OF ALL LIENS, INTERESTS AND ENCUMBRANCES PURSUANT TO §363 OF THE BANKRUPTCY CODE

TO: Debtor, his attorney, creditors and other parties in interest:

I. NOTICE

PLEASE TAKE NOTICE that a hearing on the Trustee's Motion for Order Authorizing Sale of Real Property Located at 773 Metro Way, Redding, California Free and Clear of Liens, Interests and Encumbrances Pursuant to Section 363 of the Bankruptcy Code will be heard on the 19th day of October, 2012 before Judge Marc L. Barreca of the U.S. Bankruptcy Court, 700 Stewart Street, #7106, Seattle, Washington 98101 at 9:30 a.m. and the Clerk is requested to note the same for the motion docket on that date.

II. APPLICATION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY FREE AND CLEAR OF LIENS

Ronald Brown, the Chapter 7 Trustee ("Trustee") in the above referenced case, by and through counsel, Wood & Jones, P.S. and Denice Moewes hereby applies to this

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Court for an Order Authorizing Sale of real property located at 773 Metro Way, Redding, California, ("Metro Way Property") ("Trustee's Motion") pursuant to §363 of the Bankruptcy Code.

The Trustee seeks authority to sell the Metro Way Property to Jody and Joseph Cerami ("Purchasers") upon the terms and conditions set forth in the California Residential Purchase Agreement and Joint Escrow Instruction ("Agreement") a copy of which is attached to the Declaration of Ronald Brown. If a party wants a copy of the Commercial & Investment Real Estate Purchase and Sale Agreement and Addendum, they should contact the undersigned who will provide a copy.

The proposed sales price is One Hundred Forty Thousand Dollars ($140,000.00), all cash at closing. Closing is set to occur twenty days after entry of the order approving the sale.

The Trustee seeks an order authorizing the sale of the Metro Way Property free and clear of all liens, interests and encumbrances pursuant to §363(f) of the U.S. Bankruptcy Code and Bankruptcy Rule 6004.

From the proceeds of the sale of the Metro Way Property the Trustee seeks authority to pay all ordinary and necessary closing costs, including any back due property taxes, and a real estate commission.

The first position trust holder is PNC Bank, N.A.. The Trustee believes PNC Bank is owed approximately $95,000.00. The Trustee proposes to pay this obligation at closing from the Metro Way Property sales proceeds.

The proposed sale of the Metro Way Property is sold AS IS, WHERE IS with no warranties of any kind, either expressed or implied by the Trustee or his professionals.

As far as the Trustee is aware the Purchaser is not related to the Debtor and is a bona fide purchaser in an arms length transaction.

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The Trustee requests that the Court reserve the issue of the reasonableness and necessity of any attorneys fees and late charges or other costs sought to be added to any deed of trust by any secured creditor pursuant to §506(b).

The Trustee also requests that the Court waive the 10-day stay period of Bankruptcy Rule 6004(h) so the sale of the Property may close immediately.

The Trustee believes that the sales price of $140,000.00 is fair and reasonable. See Declaration of Ronald Brown and Declaration of Rob Middleton filed simultaneously herewith.

WHEREFORE the Trustee requests that this Court enter an order approving the sale of the Metro Way Property free and clear of all liens, interests, and encumbrances pursuant to §363 of the United States Bankruptcy Code and Bankruptcy Rule 6004 and also granting Ronald Brown authority to execute all documents necessary to effectuate such sale.

III. PROPOSED ORDER

The proposed order is attached hereto.

IV. OBJECTIONS

If you do not want the Court to grant the relief requested in the Trustee's Motion, or if you want the Court to consider your view on the Trustee's Motion, then on or before Friday, October 12, 2012 you or your attorney must do the following:

File with the Court a written response to the Trustee's Motion explaining your position. The response must be filed at the United States Bankruptcy Court for the Western District of Washington at Seattle, U.S. Courthouse, 700 Stewart Street, #5103, Seattle, Washington 98101, two copies served on the Chambers of Judge Marc. L. Barreca, 700 Stewart Street, #7106, Seattle, Washington 98101, and a copy served on the undersigned.

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If you mail your response you must mail it early enough so that the Court, the Judge and the undersigned will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Trustee's Motion and may enter an order granting that relief. Failure to comply with local rule may be deemed by the Court as a waiver of all objections.

Further information regarding the Trustee's Motion may be obtained by telephoning Denice Moewes, Wood & Jones, P.S., at (206) 623-4382.

DATED this 24th day of September, 2012.

WOOD & JONES, P.S.

/s/ Denice E. Moewes
Denice Moewes, WSB#19464
Attorney for Trustee
Ronald G. Brown

Judge: Hon. Marc L. Barreca
Chapter: Chapter 7

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ADAM GROSSMAN, Debtor.	Case No. 10-19817 ORDER AUTHORIZING SALE OF REAL PROPERTY LOCATED AT 773 METRO WAY, REDDING, CALIFORNIA CLEAR OF LIENS, INTERESTS AND ENCUMBRANCES PURSUANT TO SECTION 363 OF THE BANKRUPTCY CODE

THIS MATTER having come before Judge Marc L. Barreca on the Trustee's Motion for Order Authorizing Sale of Real Property located at 773 Metro Way, Redding,

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California, (“Metro Way Property”) Free and Clear of Liens, Interests and Encumbrances (“Trustee’s Motion”); the Court finding that notice of the Trustee’s Motion was timely given to all creditors listed on the mailing matrix as evidenced by the Declaration of Mailing filed with the Court, and finding that the notice was reasonable, adequate and timely and thus was in compliance with the Bankruptcy Code, Bankruptcy Rules and the Local Rules; the Court having reviewed the Objection filed by the Debtor, and having reviewed the files herein, and the Court deeming itself fully informed in the matter, now, therefore it hereby is

ORDERED ADJUDGED AND DECREED that the Trustee is authorized to sell the Metro Way Property to Jody and Joseph Cerami for a price of One Hundred Forty Thousand Dollars ($140,000.00) with closing to occur on or about twenty days after entry of the order approving the sale, and upon the other terms and conditions set forth in California Residential Purchase Agreement and Joint Escrow Instructions attached hereto as Exhibit “1”; and it is further

ORDERED ADJUDGED AND DECREED that pursuant to §363 of the Bankruptcy Code the sale of the Metro Way Property is free and clear of any and all liens, interests and encumbrances with all liens interests and encumbrances to attach to the sales proceeds as though they were the Property; and it is further

ORDERED ADJUDGED AND DECREED that at closing the escrow agent is authorized to pay all necessary and ordinary closing costs including any past due real property taxes and a real estate commission; and it is further

ORDERED ADJUDGED AND DECREED that the escrow agent is to pay the first position trust holder, PNC Bank, N.A. in the approximate amount of $95,000; and it is further

ORDERED ADJUDGED AND DECREED that the remaining proceeds are to be made payable to the Chapter 7 Trustee, Ronald G. Brown; and it is further

ORDERED ADJUDGED AND DECREED that the issue of the reasonableness and necessity of any attorneys fees and late charges or other costs sought to be added

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to any deed of trust by any secured creditor pursuant to §506(b) is reserved; and it is further

ORDERED ADJUDGED AND DECREED that the 14 day stay provisions on Bankruptcy Rule 6004(h) are waived; and it is further

ORDERED ADJUDGED AND DECREED that the Trustee, Ronald G. Brown be and hereby is authorized to execute all documents necessary to effectuate the sale.

///END OF ORDER///

Presented by
Wood & Jones, P.S.
/s/ Denice E. Moewes
Denice Moewes, WSB#19464
Attorney for Trustee
Ronald G. Brown

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